



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,054	09/05/2000	John L. Shannon JR.	122.1.1/USA	7269
7590	01/30/2006		EXAMINER	
James W Miller Attorney at Law Suite 1005 Foshay Tower 821 Marquette Avenue Minneapolis, MN 55402			HUNTER, ALVIN A	
			ART UNIT	PAPER NUMBER
			3711	
			DATE MAILED: 01/30/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)
	09/655,054	SHANNON, JOHN L.
	Examiner	Art Unit
	Alvin A. Hunter	3711

All participants (applicant, applicant's representative, PTO personnel):

(1) Alvin A. Hunter.

(3) _____.

(2) James Miller.

(4) _____.

Date of Interview: 26 January 2006.

Type: a) Telephonic b) Video Conference
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.

If Yes, brief description: _____.

Claim(s) discussed: 27.

Identification of prior art discussed: Tribal (French patent).

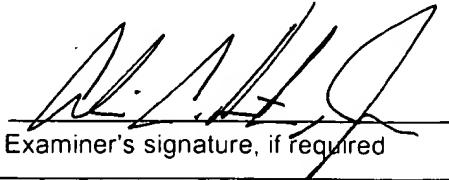
Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Miller noted that Tribal teaches a yard stick for measuring the height of a tennis net and is not a singles stick. THe examiner noted that Tribal was used to teach the usage of telescoping members and that the proposed amendment would consider the Tribal reference moot being that the proposed claim now only requires the invention to have only two telescoping members. The examiner agreed that the proposed amendment would place the application in condition for allowance .

James W. Miller, Esq.

Suite 1005 Foshay Tower
821 Marquette Avenue
Minneapolis, MN 55402

Telephone (612) 338-5915
Fax (612) 338-5989

Fax

To: Exr. A. Hunter, Art Unit 3711 **From:** James W. Miller, Esq.

Fax: 1-571-273-4411 **Pages:** 4 including cover sheet

Phone: **Date:** 1/25/2006

Re: Serial Number 09/655,054 **CC:** John Shannon, (952) 253-6040

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

• **Comments:** This fax is intended only for the named addressee and contains confidential information. If you receive this fax by mistake, do not read it and contact the sender for instructions for return.

Examiner Hunter:

For discussion at our interview tomorrow.

Best regards,

Jim Miller

612-
338-
5989

ok

FOR DISCUSSION PURPOSES ONLY IN SERIAL NUMBER 09/655,054

27. (proposal for amendment) A singles stick for holding the top edge of a tennis net at its regulation height above the ground for singles play, which comprises:

(a) a base comprising a single, rigid, fixed length piece having a bottom for engaging the ground and an upper end spaced above the ground when the bottom of the base engages the ground;

(b) a staff slidably connected to the base such that the base and staff can be pulled apart or pushed together between collapsed and extended positions thereof by sliding the base and staff relative to one another, wherein the staff comprises a single, rigid, fixed length piece having a bottom and a top, wherein the bottom of the staff is adjacent the upper end of the base when the base and staff are disposed in the extended position thereof, and wherein the base and staff are the only two pieces that slide relative to one another to vary the length of the singles stick;

(c) a fixed-depth notch on the top of the staff with the notch having an upwardly facing bottom, wherein a top support cord or cable of a tennis net can be placed within the notch and when so placed the top support cord or cable rests against and is retained against vertical movement by the bottom of the notch;

(d) a lock which releasably secures the base and staff against sliding movement relative to one another when the lock is engaged, wherein the lock is configured to hold the base and staff in only a single, a predetermined, extended and locked position by acting between a location on the staff which is adjacent to the bottom of the staff and a location on the upper end of the base after the staff has

been slid relatively to the base to raise the bottom of the staff to a position adjacent the upper end of the base; and

(e) wherein the combined length of the base and staff in the ~~single~~, predetermined, extended and locked position of the base and staff is selected to hold the top edge of the tennis net above the ground by an amount required to conform the tennis net for regulation singles play when the singles stick is installed at a predetermined court location between a singles line and doubles line on one side of a tennis court, wherein a user can quickly and easily conform one side of the tennis net for regulation singles play without measurement by pulling the base and staff of the singles stick apart, by locking the base and staff of the singles stick together in the ~~single~~, predetermined, extended and locked position that is provided therefor, and by then wedging the singles stick between the top support cord or cable and the ground at the predetermined court location, the singles stick when so wedged having the top cord or cable of the tennis net resting against the bottom of the notch on the staff with the bottom of the base resting against the ground.

31. (proposal for amendment) The singles stick of claim 27, wherein the lock is further configured to hold the base and staff in ~~only a single, a~~ predetermined, collapsed and locked position.

36. (new) The singles stick of claim 27, wherein the combined length of the base and staff in the collapsed position thereof is substantially as long as a tennis racket to allow the singles stick formed by the base and staff in the collapsed position thereof to be short enough to be laid lengthwise in an equipment bag that is sized to carry a

tennis racket that is also laid lengthwise within the equipment bag but with the singles stick remaining long enough when the base and staff are in the collapsed position to be easily visible and locatable within the equipment bag.

Remarks Re Claim 27 proposal:

The French reference is a collapsible yardstick comprising three pieces used to measure the height of a tennis net at the center of the net. It teaches nothing with respect to a singles stick that must structurally hold the net cord up to convert to regulation singles play. It also does not teach the simple two piece nature of the Applicant's device which has sufficient strength to be able to support the net cord even if a tennis ball hits the net close by. More than two pieces inherently has less strength as a support column.

Remarks Re Claim 31 proposal:

Self explanatory. Requiring only a single collapsed position not needed.

Remarks Re New Claim 36:

See Fig. 4. Same length as tennis racket which is short enough to fit within bag but long enough to be easy to see and find. Not taught by any reference.